



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

389 SPRUCE STREET  
MORGANTOWN, WEST VIRGINIA 26505  
(304) 284-7431 TDD (304) 284-7512  
FAX (304) 284-7534 [www.morgantownwv.gov](http://www.morgantownwv.gov)

August 18, 2016

Mary Jane Smith  
798 Morgan Drive  
Morgantown, WV 26505

**RE: V16-26 / Smith / 798 Morgan Drive  
Tax Map 2, Parcel 10**

Dear Ms. Smith:

This letter is to notify you of the decisions made by the Board of Zoning Appeals concerning the above referenced variance petition relating to a side setback encroachment for an elevator addition at 798 Morgan Drive. The decisions are as follows:

**Board of Zoning Appeals, August 17, 2016:**

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board granted a four foot, two inch (4', 2") variance from the side setback standard for an addition as requested.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approvals are set to expire in twelve (12) months unless it can be demonstrated that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Please note that building permits must be issued prior to the commencement of work for which the variance approvals was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving the development's planning and permitting needs.

Respectfully,

Stacy Hollar  
Executive Secretary

**ADDENDUM A – Approved Findings of Fact**  
**V16-26 / Smith / 798 Morgan Avenue**

**Finding of Fact No. 1** – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

There is nothing in the elevator that connects to the property next to it. The elevator enclosure will not in any way affect the safety or welfare of anyone in the neighborhood.

**Finding of Fact No. 2** – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

According to the petitioner, the owners of the property is 78 years old. This elevator will allow her to remain in this house for many years to come. The integral basement garage from which access to the upper story via the elevator addition is fixed and appears to be the only functional and reasonable area to locate the independent living amenity.

**Finding of Fact No. 3** – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

According to the petitioner, the elevator structure has been designed to be compatible with the existing house. It does not detract from the appearance of the house.

**Finding of Fact No. 4** – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

According to the petitioner, the elevator structure was designed by a person knowledgeable in making a structure for this elevator. This elevator has to be constructed at this location in order to take her to a necessary upper room in the house.